

Legal Aspects of Real Estate 4th Edition

Errata, Supplemental Material and Recent Developments

Updated 06/15/2010

Note: The following materials provide further study into the courses you enrolled in. These materials are non-mandatory and you will not be tested on anything covered here.

1. Errata

- a. Text Changes:
 - i. **Page 123.** In the paragraph beginning with “Consider a right-of-way easement...” located in the left-hand column, the word ‘thorough’ should be ‘through’.
 - ii. **Page 454.** The “V” index entries should precede the “W” index entries.
- b. Quiz Changes:
 - i. **Quiz 13, Question 10.** The word “quite” should be “quiet”.

2. Supplemental Material

Note: The following chapters appeared in the prior edition of Legal Aspects but were omitted from Legal Aspects 4th Edition.

- a. None.

3. Recent Developments

Note: These developments occurred after the publication of Legal Aspects 4th Edition or were deemed not necessary. RCD = Recent Case Decision; LW = Legislative Watch.

- a. **Article; June 2010.** [Rent skimming by buyers within the first year](#)
- b. **RCD; June 2010.** [Improvement district assessment allocated based on benefits to each lot](#)
- c. **RCD; June 2010.** [HOA demand for arbitration must conform to clause in CC&Rs to enforce a refusal](#)
- d. **RCD; March 2010.** [To clear title of a trust deed, indexing a reconveyance is separate from recording](#)
- e. **RCD; March 2010.** [Owner is obligated by CC&Rs to clean drainage channels within HOA-maintained landscape area](#)
- f. **RCD; March 2010.** [Improving property and making property tax payments is open and notorious occupation for adverse claim despite owner having no notice of occupation](#)
- g. **RCD; March 2010.** [Buyer permitted to cancel sale contract upon discovery of contaminated property](#)
- h. **Blog Item; March 2010.** [Expired flood insurance program extended to March 28, 2010](#)
- i. **LW; February 2010.** [Limits on HOA fees](#)
- j. **LW; February 2010.** [HOA CC&Rs may not prohibit water-efficient landscaping](#)

- k. **LW; February 2010.** [Property is nuisance if it is inhabited by tenants found guilty of counterfeiting](#)
- l. **LW; February 2010.** [Common interest development management must provide written disclosures to members](#)
- m. **Article; December 2009.** [Safety disclosures: crime and the prospective buyer](#)
- n. **LW; December 2009.** [Homestead exemption increases affecting future judgment liens](#)
- o. **RCD; December 2009.** [Exclusive easement prohibits all use by property owner](#)
- p. **RCD; December 2009.** [Mechanic's lien for unpaid rental equipment used to remove structures is valid](#)
- q. **RCD; December 2009.** [Unauthorized quitclaim deed conveyance during bankruptcy does not transfer title after bankruptcy](#)
- r. **RCD; November 2009.** [Beneficial use of property, not legal title controls change of ownership](#)
- s. **RCD; October 2009.** [Easement over land does not interfere with owner's ability to subdivide](#)
- t. **RCD; June 2009.** [Agreement to purchase an unmapped parcel is void due to waiver-of-map provision](#)
- u. **RCD; May 2009.** [City not liable on a taking for future development profits](#)
- v. **RCD; April 2009.** [Lis pendens on out of state litigation is void](#)
- w. **RCD; March 2009.** [Co-owner's homestead exemption based on his share of mortgage debt](#)
- x. **RCD; March 2009.** [Purchase option enforceable without method of payment or closing date](#)
- y. **RCD; March 2009.** [HOA must strictly enforce tree-trimming height restrictions in CC&Rs](#)
- z. **RCD; February 2009.** [Ownership of property in a corporate vesting prohibits homestead exemption](#)
- aa. **LW; January 2009.** [Solar Collectors](#)
- bb. **LW; January 2009.** [CIDs and small claims actions](#)
- cc. **RCD; January 2009.** [City's insurmountable administrative process is a permanent taking](#)
- dd. **RCD; January 2009.** [Post-taking land sales can be used as a means for estimating the value of taken land](#)
- ee. **RCD; October 2008.** [Replacement cost coverage limited by notice eliminating full replacement cost coverage](#)
- ff. **RCD; October 2008.** [Utility burdens power line easement by installing and leasing telecommunication lines](#)
- gg. **RCD; October 2008.** [Easement deed allowing construction does not convey fee interest](#)
- hh. **RCD; October 2008.** [Recorded judgment avoid homestead exemption on later purchase of principal residence](#)
- ii. **RCD; October 2008.** [Surplus funds from trustee's sale paid only to recorded lienholders](#)
- jj. **RCD; October 2008.** [Buyer prevails but is denied attorney fees for not first offering to mediate](#)

- kk. RCD; October 2008. [Interest rate differential on lost loan barred as expired claim for lost property value](#)
- ll. RCD; October 2008. [HOA claim under CC&Rs time-barred four years after making claim](#)
- mm. RCD; October 2008. [Plat map boundary dispute resolved by 1868 surveyor's field notes](#)
- nn. RCD; October 2008. [Owner-occupant liable for injuries cause by animals allowed on his property](#)
- oo. Article, August 2008. [Mediation: best, faster dispute resolution](#)
- pp. RCD; June 2008. [Owner's signature obtained by deceit is a forgery](#)
- qq. RCD; June 2008. [Date of valuation must be based on sufficient deposit of compensation](#)
- rr. RCD; June 2008. [No temporary severance damages for hypothetical use of property](#)
- ss. RCD; June 2008. [Partners needed written authorization to execute a purchase agreement](#)
- tt. RCD; June 2008. [Enforcement of unrecorded CC&Rs falls under five-year statute of limitations](#)
- uu. RCD; June 2008. [Specific performance, not money, on seller's breach of purchase agreement](#)
- vv. RCD; May 2008. [Prior government ownership of a landlocked parcel bars easement of necessity](#)
- ww. RCD; May 2008. [Appropriative water rights are appurtenant to entire property](#)
- xx. Article; April 2008. [Carryback sellers: secured or unsecured?](#)
- yy. RCD; April 2008. [Quiet title rights run from original date of boundary-fixing](#)
- zz. RCD; April 2008. [Policy limits settlement rescinded when based on deceit](#)